

REMARKS

This Amendment, submitted in response to the Office Action dated November 23, 2004, is believed to be fully responsive to each point of rejection raised therein. Accordingly, favorable reconsideration on the merits is respectfully requested.

Claims 2 and 3 are all the claims pending in the application.

I. Claim Rejections under 35 U.S.C. § 103

Claims 2 and 3 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Morita et al. (U.S. Patent No. 6,236,539).

However, Morita et al. (Reel 009680, Frame 0112, Date recorded 12/23/1998) has a common assignee with the current application (Reel 012380, Frame 0288, Date recorded 12/05/2001) and the subject matter of Morita and the claimed invention were subject to a common obligation of assignment pursuant to MPEP 706.02(l)(2) and 35 U.S.C. § 103(c). This demonstration of common obligation of assignment removes Morita et al. as a reference, which will overcome the obviousness rejection of claims 2 and 3. Further, Applicant's have perfected a claim to foreign priority, thereby removing the published version of the foreign priority documents of Morita et al. as prior art.

Consequently, the rejection of claims 2 and 3 should be withdrawn.

AMENDMENT UNDER 37 C.F.R. § 1.116
Appln. No.: 10/633,670

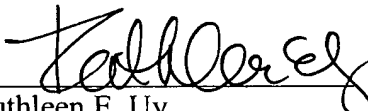
Attorney Docket No.: Q76738

II. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,


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